


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

10/15/01

SUBJECT: Status of Pennsylvania's Adoption of Additional Measures to Close the Shortfall Identified in the One-Hour Ozone Attainment Demonstration for the Philadelphia-Wilmington-Trenton Area

FROM: Marcia L. Spink, Associate Director
Air Program 

TO: The Administrative Record for Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Post 1996 Rate-of-Progress Plan and One-Hour Ozone Attainment Demonstration for the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area - Final Rule [PA-4185]

On September 26, 2001, the Pennsylvania Department of Environmental Protection (DEP) provided a letter (attached) with the status of the additional measures to close the shortfall identified by EPA in the one-hour ozone attainment demonstration for the Philadelphia-Wilmington-Trenton Area. Pursuant to that letter and from discussions with the Commonwealth, this is the status of the adoption and submittal of the additional measures (which are the OTC model rules) to control VOC emissions.

Consumer Products: Proposed by Environmental Quality Board (EQB) on September 17, 2001. Adoption by June 2002. Submittal to EPA by June 2002. Compliance date of January 1, 2005.

Portable Fuel Containers: Proposed by EQB on September 17, 2001. Adoption by June 2002. Submittal to EPA by June 2002. Compliance date of January 1, 2003.

Architectural and Industrial Maintenance (AIM) Coatings: To be considered by EQB for proposal on November 21, 2001. Adoption by July 2002. Submittal to EPA by June 2002. Compliance date of January 1, 2005.

Solvent Cleaning Operations: Final regulations adopted by the EQB on October 17, 2001. Final adoption by January 2002. Submittal to EPA by end of January 2002. Compliance date of November 2001.

Mobile Equipment Repair and Refinishing - Adopted, effective and SIP-approved.

On June 6, 2000, EPA approved Pennsylvania's NOx OTC MOU Phase II rule (65 FR 35842). On August 21, 2001, EPA approved Pennsylvania's NOx Budget Rule (66 FR 43795).



**Pennsylvania Department of Environmental Protection****Rachel Carson State Office Building****P.O. Box 8468****Harrisburg, PA 17105-8468****September 26, 2001****Bureau of Air Quality****717-787-9702**

Ms. Judy Katz
Director
EPA Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Dear Judy:

This is in regard to our obligation to achieve the one-hour ground-level ozone standard in the Philadelphia Interstate Nonattainment Area. We wanted to update you on our progress in several areas.

As you know, we previously agreed to participate in a consultative process to address regional transport; identify emission reductions needed from upwind states; and implement control measures that, along with reductions in pollutant transport, will reduce ozone precursors to achieve the standard. Our State Implementation Plan (SIP) revisions submitted on August 1, 1998, July 19, 2001 and October 30, 2000 reflect that agreement.

Since December 1999, we have been working with the Ozone Transport Commission (OTC) to develop new regional control measures.

REGIONAL CONTROL MEASURES

In January 2000, the OTC adopted a Memorandum of Understanding (MOU 00-1), which established the initial agreement and process for working on additional ozone control measures. A yearlong effort of screening potential measures and model rule development ensued. Pennsylvania chaired several of the workgroups working on these strategies. The process recognized that a regional market across the OTR would help maximize the effectiveness of many of the rules.

On March 28, 2001, the OTC adopted a Memorandum of Understanding (MOU 01-1) in which a set of six model rules were delineated. The model rules are for:

- Consumer products,
- Portable fuel containers,
- Architectural and industrial maintenance (AIM) coatings,
- Solvent cleaning operations,
- Mobile equipment repair and refinishing, and



- o Additional NOx controls for industrial boilers, cement kilns, stationary reciprocating engines and stationary combustion engines.

All 13 OTC jurisdictions, including Pennsylvania, signed this MOU. The undersigned states agreed to propose regulations for consumer products, AIM and portable fuel containers solvent cleaning and mobile equipment repair. The MOU encouraged states to adopt the additional nitrogen oxides (NOx) controls to reduce ozone levels and for other purposes.

The status of the OTC VOC model rules in Pennsylvania is described below.

Consumer Products

On September 17, the Environmental Quality Board adopted proposed rules to reduce volatile organic compounds (VOCs) emissions from 45 categories of consumer products. The proposed compliance date is January 1, 2005. The four Pennsylvania Ozone Stakeholder Working Groups also supported this proposal.

Portable Fuel Containers

On September 17, the Environmental Quality Board adopted proposed rules to control volatile organic compound (VOC) emissions from portable fuel containers by establishing permeability and "no-spill" fill spout requirements. Under the proposal, manufacturers of portable fuel containers and/or spouts would be responsible for developing and distributing compliant products for sale in Pennsylvania by January 1, 2003.

Architectural And Industrial Maintenance (AIM) Coatings

On November 21, the Environmental Quality Board will consider proposed rulemaking, which would require manufacturers to reformulate their coatings to meet specified VOC content limits. The requirements would be apply to coatings manufactured after January 1, 2005.

Solvent Cleaning Operations

On September 17, 2001, the Environmental Quality Board adopted final regulations that revise requirements for the operation of solvent cleaning machines. The rule applies to those operations that use solvents containing greater than 5 percent VOC content by weight for the cleaning of metal parts. The low volatility solvent requirements for cold cleaning machines will be effective one year from the date of publication of the final rule or approximately October 2002. Provisions related to vapor cleaning machines will be effective at the time of publication of the final regulation, approximately October 2001. The four Pennsylvania Ozone Stakeholder Working Groups supported this proposal.

Mobile Equipment Repair And Refinishing

Pennsylvania's SIP-approved mobile equipment repair and refinishing regulation was the basis for the OTC model rule. We have embarked on an extensive compliance assistance effort

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with automobile collision repair and refinishing facilities to maximize the rule penetration of our program.

Additional Actions

On October 30, 2000, the Commonwealth submitted a SIP revision to establish the NOx Budget Trading Program under Section 145 of the Pennsylvania Code to mitigate interstate ozone transport. EPA approved this submittal on August 21, 2001.

On July 19, 2001, the Commonwealth submitted a SIP revision that includes the effects of the federal Tier 2/low sulfur rule in the motor vehicle budget. EPA proposed to approve this in its *Federal Register* notice of August 24, 2001.

On July 19, 2001, the Commonwealth submitted a SIP revision which contained an analysis and determination that there are no additional reasonably available control measures (RACM) available to advance the area's attainment date after adoption of all Clean Air Act (Act) required measures. EPA proposed to approve this in its *Federal Register* notice of August 30, 2001.

If you have any further questions about Pennsylvania's air quality activities in the Philadelphia area, feel free to contact me.

Sincerely,



James M. Salvaggio
Director